

REMARKS

Reconsideration and timely allowance of the pending claims, in view of the following remarks, is respectfully requested.

In the Office Action dated November 16, 2006, the Examiner objected to claims 4 and 5 under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim, and rejects claims 9-21 as provisionally rejected on the grounds of non-statutory obviousness-type double patenting over claims 1-10 of co-pending application no. 10/976,367 filed October 29, 2004, and being commonly assigned to the entity of the instant application.

Applicants disagree with the non-statutory double patenting rejection. However, in an effort to expedite the successful examination of this application, without taking a position with respect to the merits or substance of this rejection and while preserving the right to distinguish over the references, Applicants submit herewith a Terminal Disclaimer relative to co-pending application no. 10/976,367 filed October 29, 2004 in compliance with 37 C.F.R. § 1.321(c) to overcome the rejections. Accordingly, the non-statutory rejection of claims 9-21 has been overcome and the immediate withdrawal of the rejection is respectfully requested.

The Examiner has also indicated that claims 1 and 6-8 are allowed. The Applicants thank the Examiner for the indication of allowable claims 1 and 6-8.

By this Amendment, claims 1 and 4-21 are currently pending, claim 4 is cancelled and claim 5 is amended, and no new claims are added. Furthermore, Applicants have submitted herewith a Terminal Disclaimer directed to claims 9-21 and accordingly have rendered the rejection of claims 9-21 moot by the submission of the attached Terminal Disclaimer. Applicants further submit that, by virtue of the changes to claim 5 and the cancellation of claim 4, the Applicants have obviated the objection raised to claims 4 and 5. Accordingly the Applicants respectfully request the withdrawal of the objection to remaining claim 5.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

By:



WILLIAM D. TITCOMB
Reg. No. 47641
Tel. No. 703.770.7788
Fax No. 703.770.7901

Date: February 16, 2007
P.O. Box 10500
McLean, VA 22102
(703) 770-7900